

**REMARKS/ARGUMENTS**

Claims 1-38 are pending in the instant application; claims 22-38 have been withdrawn from consideration. Claims 1-21 are currently under consideration.

Claims 1-21 are under appeal. Following receipt of the Examiner's Answer to Appellants' Appeal Brief, Appellants' undersigned Agent engaged in a telephone discussion with Examiner Merlino on March 29, 2004 regarding the instant application. During the discussion, it became apparent that claim amendments were necessary in order to timely advance the case.

Appellants have therefore amended claim 1 to clearly distinguish Appellants' invention from that of Gilby (US 6,239,871). Claim 1 is amended to require that the interior surface of the separation chamber is in direct contact with a sample material being separated. Claims 5, 7-12 and 16 are also amended accordingly. Claims 2-21 either depend on claim 1 or on a dependent claim of claim 1. The amendments are fully supported by the specification and do not introduce new matter.

In view of the amendments and remarks hereinabove, Appellants respectfully submit that claims 1-21 of the present application are now in condition for allowance. Early and favorable action thereon is respectfully requested.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on April 20, 2004.

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